

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Jose L. Linares  
v. : Crim. No. 10-83  
L. HARVEY SMITH : ORDER

This matter having been opened to the Court upon the application of the United States, by Paul J. Fishman, United States Attorney (Jenny Kramer, Assistant U.S. Attorney, appearing), in the presence of defendant L. Harvey Smith (Peter Willis, Esq., appearing), for a protective order pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure limiting the use and disclosure of (a) recorded conversations of the defendant and others; (b) wire and electronic communications intercepted pursuant to 18 U.S.C. § 2510 et seq.; (c) transcripts of recorded conversations and intercepted communications; (d) investigative agency reports; (e) e-mail correspondence; (f) SMS text message correspondence; (g) testimonial and non-testimonial transcripts; (h) search warrant materials; (i) plea materials; and (j) affidavits (collectively, "Protected Materials"); which have been or will be made available to counsel for defendant Smith, and the Court, with the consent of the parties, and for good cause shown, having found that such an order should be entered,

WHEREFORE, IT IS on this 10 day of March, 2010,

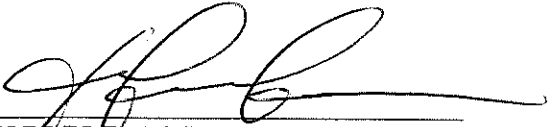
ORDERED that:

1. The Protected Materials shall not be disclosed to anyone other than defendant, defendant's counsel, and any employee or agent working at the direction of defense counsel in this matter;

2. The Protected Materials will be used only in the preparation of the defense in this case. Notwithstanding the provisions of Paragraph 1, the defense shall be permitted to review, with prospective witnesses and their counsel, all materials referenced in Paragraph 1 to the extent necessary to prepare the defense;

3. Notwithstanding any other provision of this Order, the defense shall be permitted to disclose any materials provided in Paragraph 1 in connection with the filing of the defendant's motions with the Court, or for use at trial, subject to Fed. R. Crim. P. 41.1; and

4. If there is a need prior to trial or during trial to disclose the Protected Materials beyond that permitted by this Order, then the defendant will make an application to the Court, upon notice to the government, requesting such authorization.

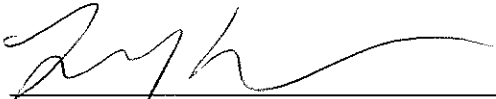


HONORABLE JOSE L. LINARES  
UNITED STATES DISTRICT JUDGE

Accepted and Acknowledged:

PAUL J. FISHMAN  
UNITED STATES ATTORNEY

BY:

  
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JENNY KRAMER  
Assistant U.S. Attorney

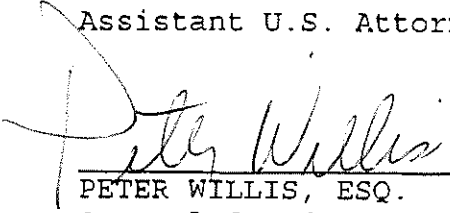
\_\_\_\_\_  
PETER WILLIS, ESQ.  
Counsel for defendant Smith

Accepted and Acknowledged:

PAUL J. FISHMAN  
UNITED STATES ATTORNEY

BY:

JENNY KRAMER  
Assistant U.S. Attorney

  
PETER WILLIS, ESQ.  
Counsel for defendant Smith